



STATE OF MARYLAND

**DHMH**

Maryland Department of Health and Mental Hygiene

*Board Of Physical Therapy Examiners*

## **BOARD MEETING MINUTES**

**July 21, 2009**

The July 21, 2009 meeting was called to order at 1:05 p.m.  
by the Chairperson, Margery Rodgers, PT.

**Board members present:**

John Baker, PT  
Ved K. Gupta, Consumer Member  
Shirley Leeper, PTA, Vice Chairperson  
Lori Mizell, PT  
Donald Novak, PT  
Lois Rosedom-Boyd, Consumer Member  
Stephen Ryan, PT

**Also present:**

Ann E. Tyminski, Executive Director  
Joy E. Aaron, Deputy Director  
Patricia Miller, Licensing Coordinator  
Sandra Kurland, Board Secretary III  
Deborah Jackson, Board Secretary II  
Ernest Bures, Investigator/Compliance Officer  
Teresa Thornton, Investigator  
Francesca Gibbs, Staff Attorney  
Sharon Bloom  
Lisa Dover, PTA (Maryland Sports Care & Rehab)

**Absent:**

Linda Bethman, AAG, Board Counsel

Ann Tyminski welcomed our new Office Secretary, Deborah Jackson. Ms. Jackson will be scanning the licensee files along with other office duties.

New Office  
Secretary

Mrs. Tyminski welcomed Patricia Miller, Licensing Coordinator, back to work. Ms. Miller had surgery and was out for several weeks. Ms. Miller thanked the Board for the flowers and cards that were sent.

Patricia Miller

Expense sheets were handed out and collected.

Expense Sheets

The agenda was accepted as printed.

Agenda

Minutes of the Open Session for the June 16, 2009 Board meeting were accepted as printed.

Minutes

Income summaries were distributed.

Income Summaries

Lori Mizell addressed the Board in reference to the Sunshine Fund, which is currently in the red by \$95. Ms. Mizell asked each Board member to contribute \$20 this month and \$20 next month to the fund, to bring it back over to a plus balance. The Board members agreed to the contribution.

Sunshine Fund

Mrs. Tyminski received an inquiry from Pat Domser, PT, in reference to the Board's response to her question about aides placing electrodes on the patient. The Board again stated that aides are allowed to do non-patient related tasks, which are not part of the treatment. The PT must instruct the aide as to where the electrodes are to be placed, and then follow up by checking the placement before administering treatment. The placement of the electrodes must be well documented. This corresponds to Comar 10.38.02A 2(b).

Aides Placing  
Electrodes

Steve Ryan, PT, Committee Chairperson, reported on the Legislative Committee Meeting. The committee would like to have changes in the wording as to what an aide may or may not do. Nothing can be done to the fee schedule until the legislation goes through the legislative session in 2010. Francesca Gibbs will research the procedures for hearings and get back to the Board. The committee did not vote to have the one month time frame removed from the licensee process of submitting CEUs for approval.

Legislative  
Committee Meeting

Mrs. Tyminski presented the mandatory Regulatory Workplan. Some changes were made. Mrs. Tyminski will present it to the Department.

Regulatory Workplan

Margery Rodgers, PTA, Board Chairperson spoke about the issue of our regulations stating that licensees must submit CEUs at least 4 weeks prior to the course. A few of the Board members feel that we should not have this time limit and review the CEU's when they are submitted. Since our regulations state 4 weeks in advance, we will continue to follow the present regulation.

Licensee CEU  
Approvals

Mrs. Tyminski reported that DHMH is sending auditors from the Inspector General's office to ensure that cash reconciliations are being

Office of Inspector General  
Auditors

performed appropriately.

Mrs. Tyminski received an inquiry from Carol Tameris, PT. Ms. Tameris states that Calvert Hospital automatically sets up postoperative appointments with Calvert Physical Therapy for their patients as soon as they are admitted for surgery. Since Calvert Hospital owns part of Calvert Physical Therapy, is it legal to keep patients in their system without giving them other options? John Baker, PT will research this issue for the next Board meeting.

Referrals

Elizabeth Cross, PT asks if classes for her DPT degree will count toward her CEUs. The Board stated that postgraduate courses in PT will be credited as 1 CEU per credit hour. She also asks about conflicting stories from her supervisor and the PTAs in the school system. She wants to know if she needs to open all PTA cases at the beginning of the school year. The Board stated that she is to follow our rules and regulations, and evaluate every patient if she is talking about treatment. If she is talking about an IEP, then she should follow the direction of her supervisor in the school system.

DPT Classes/CEUs  
PT in Schools

Cary Peralta, PT asks if re-evaluations may be performed by any PT onsite when the patient is due for a reassessment, or must it be the primary PT? The Board stated that any PT can do the reassessment, and it must be done every 30 days according to the PT Act regulations.

Re-evaluations

Francesca Gibbs, staff attorney, sent Mrs. Tyminski an updated application for PT professional service corporation name approval. The Board approved the form, and Ms. Aaron will put it on our web site.

Professional Service  
Corporations

Joy Aaron, Deputy Director, discussed the 2009 audit. The audit was sent out one month ago and there are 17 people who have not responded. A second request has been sent by certified mail, and the last of the letters will be sent out on Wednesday, July 22, 2009. The letter states that if there is no response, the licensee is subject to action by the Board.

CEU Audit

Ms. Aaron discussed the reinstatement of Brian Ashton, PT. Mr. Ashton came into the office to reinstate his license which had expired on May 31, 2009. He presented the reinstatement form and a check for \$400. Mr. Ashton's check was returned marked non-sufficient funds on a closed account. Ms. Aaron sent him a letter in reference to the unpaid check, telling him that he now owes \$440 which includes the returned check fee.

Brian Ashton, PT

Lt. Gwendolyn Smith, PT was audited. Lt. Smith is in the Navy and will not be back to her port in Japan until September, 2009. The Board was fine with her submitting her CEUs at that time.

The Board reviewed the recommendations of the Workgroup for HB 1275. The Board directed that a spread sheet be prepared of various components of HB 1275, listing what the Board already does, and recommending to the Board things that could be done.

HB 1275 Recommendations

The Acupuncture Board made a request to have someone explain dry needling at its meeting of September 8<sup>th</sup>. The Board suggested a request be made that written material be sent to that Board. If that fails, then Mrs. Tyminski is to contact Jan Dommerholt to see if he has interest in making a presentation.

Dry Needling

The application of Hanna Elzbieta Hines has been deferred until the August Board meeting.

Hanna Hines  
Applicaton

Mrs. Tyminski presented the application of Maria Jose Hubbard who was educated in Chile. Ms. Hubbard's application expires on July 28, 2009, and she has failed the TOEFL. After researching our Practice Act, Ms. Gibbs advised Ms. Hubbard must take and pass TOEFL since her courses were not taught in English in Chile.

Maria Hubbard  
Application

The CEU course "Autism 101: From Diagnosis to Treatment" was reviewed and denied. The Board felt that this course was geared toward speech-language pathology, not physical therapy.

Continuing Education

Lydia Dwynter asked if a group of therapists met to read and review journal articles, would this activity be eligible for CEUs. The Board stated that this does not meet the requirements for CEUs and would be hard to regulate. Joy Aaron will draft a letter to this affect, advising that if they wished to put this activity together as a course, the Board would then approve or disapprove it.

Susan Cecere, PT e-mailed Mrs. Tyminski in reference to PTs being supervised and evaluated by another PT. The Board stated that this has to do with employee management and is not in our purview.

Supervision of PTs

Mrs. Tyminski reviewed DHMH Tax Compliant Regulations, Title 10, Subtitle 31, Chapter 02, dealing with outstanding taxes or unemployment insurance contributions. Mrs. Tyminski stated that we need to be sure we are current with the regulations. This law will be sent to licensees who are delinquent in taxes prior to the next renewal.

Tax Compliance

Year to date revenues were reviewed.

Revenues

Informational items as follows were noted:

Information

The FSBPT June 2009 News Brief

The FSBPT Ethic Remediation Program

The Well Written Record

Board of Psychology Spring 2009 Newsletter

The Board unanimously voted to close the open session at 2:45 p.m. for the purpose of engaging in medical review committee deliberations of physical therapy applications in accordance with State Government Article, Section 10-508(a) (13).

The Board adjourned the closed session at 3:15 p.m. and immediately convened an Administrative Session. The same board members attending the open session remained for the Administrative session unless recused on a particular matter.

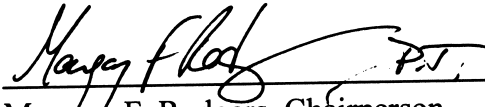
Respectfully submitted,



Ann Tyminski, Executive Director

August 18, 2009

Date approved



Margery F. Rodgers, Chairperson